

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN A. WINSTON, JR.,)
Petitioner,)
v.) No. 4:05-CV-1306-JCH
JAMES PURKETT,)
Respondent.)

ORDER AND MEMORANDUM

This matter is before the Court on respondent's motion for a more definite statement.

The Court has carefully reviewed petitioner's petition and finds that it is not so vague or ambiguous that respondent cannot reasonably frame a responsive pleading. *See* FED. R. CIV. P. 12(e). Moreover, petitioner is not required to set forth the factual basis for each of his claims. The Federal Rules set up a "notice pleading" system, which requires that petitioner set forth a "short and plain statement of the claim." FED. R. CIV. P. 8(a); see *Leatherman v. Tarrant County Narcotics Unit*, 507 U.S. 163, 168, 113 S. Ct. 1160, 1163 (1993) (emphasizing that the Rules only require particularity in pleading in connection with specified types of claims); *see also Conley v. Gibson*, 355 U.S. 41, 47, 78 S.Ct. 99, 103 (1957) ("...[T]he Federal Rules of Civil Procedure do not require a claimant to set out in detail the facts on which he bases his claim.").

Accordingly,

IT IS HEREBY ORDERED that respondent's motion for more definite statement [Doc. 8] be **DENIED**.

Dated this 25th day of October, 2005.

**/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE**